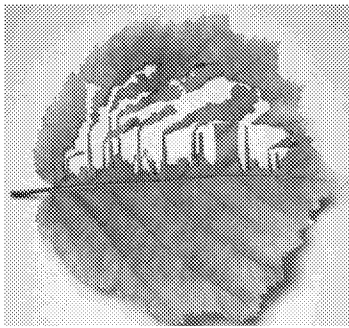


Message

From: OGCLibrary [OGCLibrary@epa.gov]
Sent: 8/9/2017 3:44:59 PM
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Subject: Cross-Cutting Issues News for August 9, 2017



Cross-Cutting Issues News for August 9, 2017

Bloomberg Daily Environment Report™ BNA

Leading the News

Climate Science

Trump's UN Diplomat: White House Won't Hinder Climate Study

The Trump administration is unlikely to interfere in a broad climate study focusing on how rising sea level, increasing temperatures, and other factors are already affecting the U.S., the president's United Nations ambassador said.

Enforcement

China Waging 'Unprecedented' Pollution Crackdown

Large state-owned businesses, local governments and thousands of small private enterprises have been implicated in an unusually public pollution crackdown in China in recent months.

News

Climate Change

Commonwealth Bank of Australia Shareholders Sue Over Climate Risk

An Aug. 8 lawsuit in Australia against one of the country's largest banks alleging it failed to adequately disclose climate change risks is being seen as a wake-up call for other global financial institutions.

*Coal Mining***Trump's Push to Clear Hurdle for Coal Won't Spur More Mining**

A Trump administration effort to clear a hurdle thought to impede coal production on federal land almost certainly won't mean companies will mine more coal, analysts said.

*Enforcement***Sessions Raises Possibility of Reopening Pollution Settlements**

Attorney General Jeff Sessions is calling for a list of all criminal and civil settlements reached by the EPA and other agencies during the past 10 years that include payments to third parties in lawsuits after he banned the practice in June.

Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM <http://news.bna.com/frmn/>.

TODAY'S STATE REGISTERS

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TRUMP'S EPA: Agency at a crossroads – Complete coverage

Inside EPA's **Clean Air Report**, 08/10/2017

<https://insideepa.com/newsletters/clean-air-report>

Latest News**Judges Suggest High Court Path For CPP Supporters To Win Rule's Release**

A federal appellate court has again put a hold on litigation over the Obama EPA Clean Power Plan (CPP), another loss for supporters who had sought the rule's release, though two judges suggest a possible strategy for winning such release by asking the Supreme Court to consider whether its long-running stay of the rule conflicts with EPA's duty to regulate greenhouse gases.

EPA Appears Poised To Broaden Scope of Reopened Vehicle GHG Review

EPA appears poised to issue a notice formally seeking comments on a restart of its review of vehicle greenhouse gas standards for the years just prior to 2025, amid indications that the notice will echo a recent Transportation Department notice effectively expanding the review to weigh potential additional changes to MY21 standards.

Daily Feed**EPA's chief of operations aims to expand 'Lean' at agency**

But an EPA union official questions the push for streamlining of agency operations, saying "Lean" might stand for "Less Employees Are Needed."

Ewire: Climate science report contradicts Trump views

How the White House handles the report could be a first indication of its ultimate approach to climate science.

Report says benefits of key Obama climate rules outweigh costs

As the Trump administration pushes deregulation, a report from the Sabin Center finds that the rules' benefits could reach more than \$300 billion per year by 2030, with costs of approximately \$84 billion.

GREENWIRE

SAGE GROUSE

Wyo. GOP governor 'concerned' about Zinke plan revisions

Scott Streater, E&E News reporter

Published: Tuesday, August 8, 2017



Wyoming Gov. Matt Mead (R) is concerned about Interior Secretary Ryan Zinke's revision of Obama-era sage grouse conservation plans. Jeannie Stafford/Fish and Wildlife Service

Wyoming Gov. Matt Mead (R) says he is "concerned" that proposed changes to Obama-era greater sage grouse conservation plans may complicate efforts in his state to protect the bird and to offer regulatory certainty to energy developers.

Mead, whose state is home to the largest remaining population of sage grouse in North America, issued a statement late yesterday in response to an Interior Department review team's report that recommended, among other things, moving away from focusing on habitat protection and allowing states to develop "appropriate population objectives" for complying with the plans ([Greenwire](#), Aug. 7).

Interior Secretary Ryan Zinke issued a memorandum directing his deputy secretary and the Bureau of Land Management to "immediately begin implementing" the recommendations.

Zinke in June signed a secretarial order that established the review team to analyze the Obama-era plans and suggest changes ([Greenwire](#), June 7). His order directed the team to consider "creative approaches and ideas" to sage grouse management, including setting population targets for the bird in each of the 11 Western states with grouse habitat.

But while Mead thanked Zinke and his agency for making "an earnest effort to collaborate with the states during the sage-grouse management review," the governor said in his statement that Wyoming will continue to rely on its core sage grouse area strategy, developed in 2008, which focuses on habitat protection.

"While DOI identifies numerous ways to improve federal plans, I am concerned that the recommendations place more focus on population targets and captive breeding," Mead said.

Identifying and protecting prime sage grouse habitat provide "certainty" to the oil and gas and coal mining industries in the Cowboy State, he said.

"Industry needs predictability, but the report does not explain fully how population targets provide that certainty," he said. "Wyoming will continue to rely on science and scientists to manage the species. I will continue to work with Secretary Zinke, state and local stakeholders on this issue."

The Obama-era plans established primary habitat management areas (PHMAs) and general habitat management areas (GHMAs) where activities like new oil and gas drilling and some large transmission line projects would be prevented or limited. The goal was to focus conservation measures in specific areas that are most important to the sage grouse, while still allowing activities like oil and gas development.

Mead's concern about shifting away from habitat conservation is shared by the Western Association of Fish and Wildlife Agencies (WAFWA), which last month issued a white paper that concluded prioritizing state-by-state population goals without including "habitat management and restoration" could harm the bird and many other sagebrush-dependent species (Greenwire, July 31).

That white paper also reported that it could take two to three years to develop a suitable method to accurately count sage grouse populations, which are notoriously cyclical and can change dramatically from year to year.

"Efforts to enhance, restore, and protect habitats from conversion and degradation will be necessary to achieve population goals that are in aggregate sufficient to deter" a future listing of the bird under the Endangered Species Act, the paper said

If states are allowed to develop their own population goals and they fail, Wyoming will pay the biggest price, said Brian Rutledge, director of the National Audubon Society's Sagebrush Ecosystem Initiative.

"With 37 percent of the birds and excellent habitat, Wyoming will be the go-to place for protecting an endangered species if other state plans fail to achieve their goals," said Rutledge, a member of Wyoming's Sage Grouse Implementation Team.

Long-standing concern

This isn't the first time Mead has expressed concern about making significant changes to the federal sage grouse plans.

Mead and Colorado Gov. John Hickenlooper (D) serve as co-chairmen of a federal-state Sage Grouse Task Force that was heavily involved in the development of the Obama-era plans.

Zinke's sage grouse review team also consulted with members of the task force during its analysis of the federal plans that amended 98 BLM and Forest Service land-use documents to incorporate grouse habitat protection measures covering nearly 70 million acres of federal lands across the West.

Mead and Hickenlooper sent a letter to Zinke in May, just before he signed the secretarial order initiating the grouse plan review, cautioning against "moving from a habitat management model to one that sets population objectives for the states" and adding, "We are concerned that this is not the right decision" (Greenwire, May 31).

But even if none of the review team's recommendations are implemented, big changes to the grouse plans have been in the works for months.

BLM's fiscal 2018 budget proposal calls for cutting \$11.5 million from the "Sagebrush Conservation Implementation Strategy" and eliminating 59 full-time-equivalent positions from BLM's wildlife management program, which is responsible for implementing the federal greater sage grouse conservation plans ([Greenwire](#), May 25).

COAL

W.Va. governor pitched Trump on subsidy before party switch

[Hannah Northey](#) and [Dylan Brown](#), E&E News reporters

Published: Tuesday, August 8, 2017

West Virginia Gov. Jim Justice went to the White House a Democrat and came out a Republican.

But could the summit between the two coal supporters result in a helping hand for the struggling coal fields of Appalachia?

At the West Virginia rally last week where he declared his party switch, Justice mentioned that he had pitched "an idea on coal" to Trump during two recent Oval Office meetings ([E&E Daily](#), Aug. 4).



Gov. Jim Justice (R-W.Va.). Perry Bennett/Wikipedia

The governor, who owns coal mines, told West Virginia MetroNews this week that his proposal was a \$15-per-ton subsidy for coal mined in West Virginia, Pennsylvania, Ohio, Virginia, Kentucky and Tennessee.

"The federal government would pay our power plants for every ton of coal that they buy that's a central [Appalachian] ton or northern [Appalachian] ton of coal in order to preserve our Eastern coal fields," Justice said.

As Justice noted, Eastern coal fields are struggling to compete against those west of the Mississippi River. The trend began in the 1970s with the advent of massive surface mines in Wyoming and Montana, accelerating in the 1990s with the push for cleaner-burning low-sulfur coal.

The spot price per ton of coal — the cost without a contract — in the Powder River Basin is \$11.55, compared to \$45.65 in northern Appalachia and \$52.60 in central Appalachia, according to the U.S. Energy Information Administration.

Justice said "a lot has to fall in line for this to happen," but made his pitch on the grounds that coal is essential to national security.

"If you're all on gas, or you're all on gas and Western coal, and somebody puts a bomb at a gas junction point or somebody puts a bomb on a bridge coming from the West, you could very well lose the entire Eastern power grid," he said.

Justice's proposal comes as Trump's Department of Energy reviews whether incentives for renewable energy tilt markets in a way that forces coal and nuclear power plants offline ahead of schedule, undermining the reliability of the power system. The fossil fuel industry is keenly watching DOE's work, with coal interests looking to the study to bolster the concept of "resiliency" (*Climatewire*, July 18).

The study, a draft of which has already leaked to the press, has yet to reach Energy Secretary Rick Perry's desk, according to a source close to the process. But DOE's hands may well be tied. While the agency could invoke its emergency authority under the Federal Power Act to keep coal and nuclear units running, that power is narrowly defined, and its use would almost certainly be challenged in court.

And despite the administration's embrace of the fossil fuel industry, the federal government is in the business of leasing federal land for coal production and sales — not purchasing the fuel, said Paul Bledsoe, a lecturer at the Center for Environmental Policy at American University.

"Western coal is far cheaper, and the market is moving west," Bledsoe said. "There's little that a governor or anyone else can do to stop that process; this strikes me as a desperate last measure in a largely dying industry."

LOBBYING

Ex-senator advocates for La.'s coast

Kevin Bogardus, E&E News reporter

Published: Tuesday, August 8, 2017

Former Sen. Mary Landrieu (D-La.) is looking to protect her home state's coast via her K Street work.



Mary Landrieu. Senate/Wikipedia

Now a senior policy adviser at Van Ness Feldman LLP, Landrieu has signed up to lobby for the Louisiana Coastal Protection and Restoration Authority, according to lobbying disclosure records released by the Senate this week.

Landrieu's registration shows that she has been working for the state agency since Aug. 1 on "seeking laws and Executive Branch policies that expedite the permitting of state projects to protect and restore the Louisiana coast."

Other Van Ness principals are working on the account, including Herman Gesser, a former Landrieu aide and general counsel to the Senate Energy and Natural Resources Committee, as well as Stuart Hall, once legislative director to former Rep. Richard Baker (R-La.).

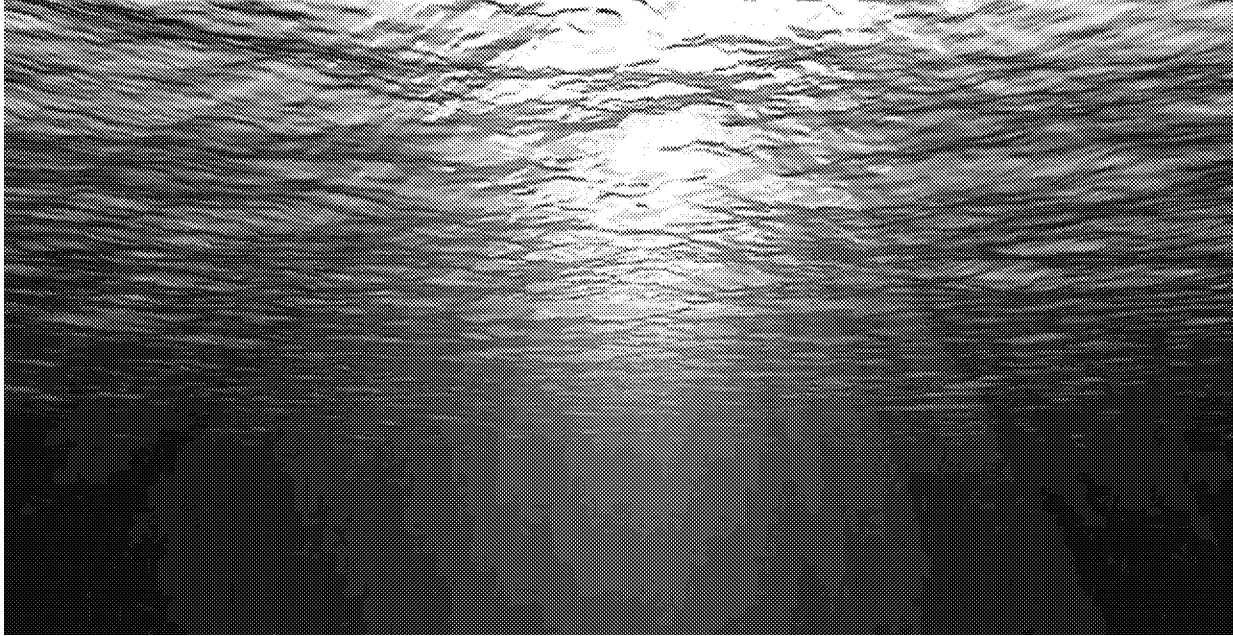
Landrieu joined Van Ness in 2015 after losing her 2014 Senate re-election bid. She has represented energy clients at the firm, including Noble Energy Inc. and the FutureGen clean coal project.

CLIMATE

Senators urge scientists to study removing CO2 from oceans

Arianna Skibell, E&E News reporter

Published: Tuesday, August 8, 2017



Sens. Sheldon Whitehouse (D-R.I.) and Heidi Heitkamp (D-S.D.) are encouraging the National Academy of Sciences to study removing carbon pollution from the oceans. Massachusetts Institute of Technology

Two Democratic senators are urging scientists to find a way to remove carbon dioxide from the oceans.

Sens. Sheldon Whitehouse of Rhode Island and Heidi Heitkamp of North Dakota yesterday asked the National Academy of Sciences to expand its study of methods to remove carbon from the atmosphere to include methods of ocean carbon capture.

The senators wrote to NAS President Marcia McNutt asking her to extend the academy's "blue carbon" area of study beyond wetlands and marshes to direct removal of CO2 from oceans.

"Although this is a nascent area of research, the combined threat of ocean acidification and recognition of commercial opportunities has given our national labs and universities the necessary impetus to begin research and early stage testing on various processes," they wrote in a [letter](#).

The world's oceans have absorbed about 30 percent of the excess CO2 humans have added to the atmosphere since the Industrial Revolution. The added CO2 has led to increased ocean temperatures.

As ocean temperatures rise, water expands, contributing to sea-level rise, coastal flooding and erosion. Additionally, as oceans warm, the water evaporates. Increases in humidity amplify the warming of CO2 in the atmosphere. Water vapor is itself a greenhouse gas, according to NASA.

Additionally, ocean absorption of CO2 has led to increases in acidity, which threatens a swath of marine organisms.

Whitehouse and Heitkamp pointed to a Department of Energy assessment, which supports additional focus on carbon capture for oceans and oceans mineralization.

"Research in this area could help drive down the overall costs of direct air capture — and lead to new and innovative technologies and methods of carbon utilization that could benefit carbon capture projects across the board," the senators wrote.

"While one of us represents a Coastal state and the other a lignite coal producing Plains state, we both understand the need to advance carbon capture and utilization technologies — regardless of the carbon source," they said.

The globe is moving toward a carbon-constrained future, the senators said, adding that there is a need for research and innovation that can be both environmentally and economically beneficial.

COAL

Dem bill would help communities hit by industry downturn

Dylan Brown, E&E News reporter

Published: Tuesday, August 8, 2017

Colorado Democratic Sen. Michael Bennet has authored legislation that would provide tax breaks, job training and other government assistance in counties battered by the decline of the coal industry.

"The Coal Community Empowerment Act" is the latest offering from Democrats aimed at helping transition coal communities into new industries.

S. 1743 would designate counties as "coal community zones" if more than 5 percent of the county's workforce is employed by the coal industry or 50 coal mining jobs were lost since 2011, provided the total county workforce is less than 20,000.

Ninety counties nationwide, including six in Colorado, are expected to meet the criteria.

To spur economic growth, a \$3,000 hiring credit, \$1 billion in private activity bonds and doubled small businesses expenses would be available in eligible counties.

And, similar to a proposal from Sen. Shelley Moore Capito (R-W.Va.), the bill would reserve \$300 million in additional New Markets Tax Credits — a Treasury Department program that gives investors a seven-year, 39 percent tax break for financing businesses and development in low-income regions (E&E Daily, Nov. 17, 2016).

Students in coal communities could also apply for individual support accounts, while colleges and nonprofits could seek development grants and local businesses would be eligible for federal grants.

"We have an obligation to provide our coal communities with the support they need to implement the strategies they've developed, so they can thrive again in today's economy," Bennet said in a statement.

With President Trump promising to revive the industry, Republicans blame the decline on President Obama and, by extension, Democrats.

To counter the accusations of a "war on coal," Democrats as well as environmentalists have adopted calls for a "just transition" for communities to new industries.

During the media campaign for his new documentary, former Democratic presidential candidate Al Gore has said the country has "a moral obligation" to help people who dedicated their lives to powering the nation.

AGRICULTURE

Group pushes milkweed on farmers in bid to save butterfly

Marc Heller, E&E News reporter

Published: Tuesday, August 8, 2017



Monarch butterfly boosters are encouraging farmers to plant the insect's favorite food: milkweed. National Parks Conservation Association

An environmental group is trying a new tactic in its quest to save the monarch butterfly: the profit motive.

The Environmental Defense Fund hopes to launch a "habitat exchange" later this year that would encourage private investors to pay for the creation of butterfly-friendly environments, giving farmers and other private landowners a financial incentive to switch marginal land along field edges and roadsides from other uses, although organizers say they are not looking to displace productive farmland.

"They're the ones who can provide the habitat for endangered species," said David Wolfe, director of conservation strategies at EDF.

Monarch butterflies aren't listed by the federal government as endangered, but the Fish and Wildlife Service is considering protections based on a 2014 petition from the Xerces Society, Center for Biological Diversity and Center for Food Safety.

Monarch populations have fallen in the past 20 years by as much as 90 percent, by some estimates. Scientists blame loss of habitat, primarily milkweed plants, which the monarch caterpillar eats exclusively and which have fallen victim to herbicides that can now be applied to fields without killing genetically modified corn or soybeans.

More than 861 million milkweed stems have disappeared in the Midwest since 1999, according to a June [report](#) in the scientific journal *Environmental Research Letters*. The report by researchers with several organizations called exchanges an example of economic tools that could improve monarch habitat, especially if Congress doesn't come up with a strategy in the 2018 farm bill.

Wolfe said details of the monarch exchange remain to be worked out but that organizers believe corporations and individual investors would be willing to put money into the program based on the economic importance of pollinators to agriculture, the public affinity for butterflies and companies' wishes for a positive public image.

"Some of that is likely public relations," he said.

In a habitat exchange, landowners would earn credits for planting milkweed and other plants favorable to pollinators. They could sell the credits to industry to compensate for development that negatively affects habitat, according to EDF. An independent exchange administrator would oversee the system, Wolfe said.

The system seems like a workable way to cover large land areas with thousands of landowners, which is the best way to approach monarch restoration, he said. And while the exchange focuses on monarchs, protecting their habitat will help other plants and wildflowers that attract pollinators, Wolfe said. "Restoring habitat for monarchs has an array of benefits beyond the monarch," he said.

To make the idea work, organizers need a way to assess the value of butterfly habitat, which varies from location to location. So EDF has devised a "habitat quantification tool" to do that, including such measurements as the density of milkweed plants in a field or potential exposure to pesticides.

EDF researchers are already trying out an exchange in a pilot program in Texas. When the full program launches, Wolfe said, they'll focus on additional areas in California and Midwestern states where seasonal migrations of monarchs are greatest.

EDF is working on similar exchanges for greater sage grouse habitat in Colorado, Wyoming and Nevada ([Greenwire](#), Sept. 18, 2015).

Wolfe said organizers are optimistic that agribusinesses will sign on. A spokesman for Bayer CropScience, which makes farm chemicals, said the goal of the program resembles efforts the company has made to improve bee habitat.

"We're supportive of efforts to increase pollinator habitat, especially those that bring together partnerships from a wide range of stakeholders," said the spokesman, Jeff Donald.

One of the Bayer CropScience initiatives, called Feed a Bee, provides free wildflower seeds and has planted around 2 billion wildflowers in the past three years, the company said. Bayer CropScience and its partners in the program said earlier this year that they plan to distribute \$500,000 to growers, beekeepers, nonprofit organizations and others in the next two years for pollinator protection.

Still, tension persists between some butterfly enthusiasts and pesticide makers.

The challenge for the exchange will be finding enough land that's free of pesticides called neonicotinoids, which are particularly toxic to bees, said Michele Colopy, program director for the Pollinator Stewardship Council in Akron, Ohio.

The monarch exchange could be a first step toward showing farmers that protecting pollinators can go along with protecting crops, Colopy said. "Farmers and ranchers will begin to see that the diversity of plant life on the farm or ranch brings diverse, natural pest control and increases the yield of those crops in need of insect pollination. Changing land use is difficult when continually told pesticides increase crop yield, which is a fallacy," she said.

ENDANGERED SPECIES

Sea lions push trout to brink of extinction

Published: Tuesday, August 8, 2017

California sea lions are eating their way through the steelhead trout population in Oregon's Willamette Falls.

Oregon officials warned yesterday that if the sea lions continue to feast on the fish, the winter steelhead trout could be in peril of extinction.

Without federal intervention, there is an 89 percent chance that at least one population will soon disappear, according to a feasibility study released by Oregon Department of Fish and Wildlife.

"It's pretty dire," said Shaun Clements, the department's senior fish policy adviser. "If we don't deal with this near-term risk, there might not be fish."

Clements said Oregon recently filed a permit seeking permission to kill sea lions at the site (Andrew Theen, [Portland Oregonian](#), Aug. 7). — CS

FISHERIES

Canadians eat 5 tons of GMO salmon — report

Published: Tuesday, August 8, 2017

Labeling complications have blocked genetically modified salmon from U.S. markets, but Canadians have already consumed 5 tons of hormone-filled fillets, according to a report released last week by AquaBounty Technologies Inc.

The Maryland-based genetically modified food company produces a variety of fish with hormone genes from the chinook salmon.

But unlike wild salmon, which grow only when the conditions are right, AquaBounty salmon grow quickly all year, cutting production time in half.

The U.S. Food and Drug Administration approved the salmon for sale in 2015, with Canadian regulators following just a year after. But U.S. labeling requirements complicate the regulatory landscape.

Still, experts expect to eventually see more genetically modified fish on supermarket shelves around the country, said Eric Hallerman, an expert in fisheries and fish genetics at Virginia Tech ([AP/Portland Oregonian](#), Aug. 5). — **NS**

ARCTIC

Marine atlas to show human, wildlife overlap

Published: Tuesday, August 8, 2017

A new detailed atlas shows how human activities cross paths with the natural world in Alaska's Arctic waters.

Audubon Alaska released "[The Ecological Atlas of the Bering, Chukchi and Beaufort Seas](#)" on Friday. It details what it calls the "extraordinary productivity and impressive abundance of wildlife" in the three seas.

The project has over 100 maps illustrating everything from birds' flight paths to deep-sea petroleum reserves.

Audubon representatives say they hope the atlas will guide policy for the region.

The atlas could also help government agencies get a holistic picture of the region, said Melanie Smith, director of conservation science for Audubon Alaska.

"Oftentimes, the government agencies tend to stick with their own missions, their own administrative boundaries," she said. "There isn't a government agency that does it all" (Yereth Rosen, [Alaska Dispatch News](#), Aug. 7). — **CS**

PROPERTY RIGHTS

Appeals court won't rehear hot-button Utah prairie dog case

[Amanda Reilly](#), E&E News reporter

Published: Tuesday, August 8, 2017



A federal appeals court denied a rehearing in a contentious Utah prairie dog case. Tom Koerner/Fish and Wildlife Service

A federal court will not reconsider its decision earlier this year to restore a federal prohibition on harming the Utah prairie dog on private property.

The 10th U.S. Circuit Court of Appeals this morning denied property owners' request for rehearing, either in front of the three-judge panel that originally heard the case or in front of the full court.

No judges requested a poll on rehearing the case, according to the court's order.

The Pacific Legal Foundation, which brought the lawsuit on behalf of property owners, swiftly pledged to appeal the 10th Circuit's decision to the Supreme Court.

"It's disappointing that the entire 10th Circuit will not review the case," said Jonathan Wood, an attorney at the group. "But as we've said all along, this case will ultimately be decided by the Supreme Court."

At issue is a 2012 Fish and Wildlife Service rule that barred the "take" of the Utah prairie dog without a permit. The threatened species is found in the southwestern part of Utah, and about 70 percent of the population lives on private land.

Backed by the Pacific Legal Foundation, landowners and property rights advocates challenged the rule in court, arguing that the regulation violates the Constitution's Commerce Clause because the prairie dog lives only in Utah and doesn't affect interstate commerce activity.

A district court initially sided with the property owners, but a three-judge panel of the 10th Circuit in March overturned the decision and restored protections for the species.

"Piecemeal excision" of species that live purely in one state "would severely undercut the ESA's conservation purposes," Judge Jerome Holmes, a Republican appointee, wrote for the court (Greenwire, March 29).

The property owners group in May asked the 10th Circuit to rethink the decision.

The Trump administration, though, had urged the court to deny the rehearing petition on the grounds that it was reviewing the 2012 Obama rule and that it might take action that would make the case "moot."

"FWS could find it unnecessary and inadvisable to further prohibit such take on nonfederal land," the Justice Department said in a court filing last month (E&E News PM, July 26).

The case has garnered attention in environmental and property rights legal circles. Several states backed the property owners.

"The essential constitutional and federalism issues, as well as the impressive list of parties that have weighed in on the case (including 10 states), should grab the [Supreme] Court's attention," Wood of PLF said.

This is not the first time critics of Endangered Species Act regulations have turned to the Commerce Clause in attempts to get rid of species protections. Federal circuit courts, however, have rejected all lawsuits raising similar types of claims.

The high court has multiple times declined to take up Commerce Clause challenges to the Endangered Species Act.

Pat Parenteau, an environmental law professor at Vermont Law School, said in an interview yesterday that the case seems like a "long shot" for the Supreme Court.

"But in the absence of the Trump administration taking some kind of action that would satisfy PLF, then I think you could count on that going up," Parenteau said.

ENDANGERED SPECIES

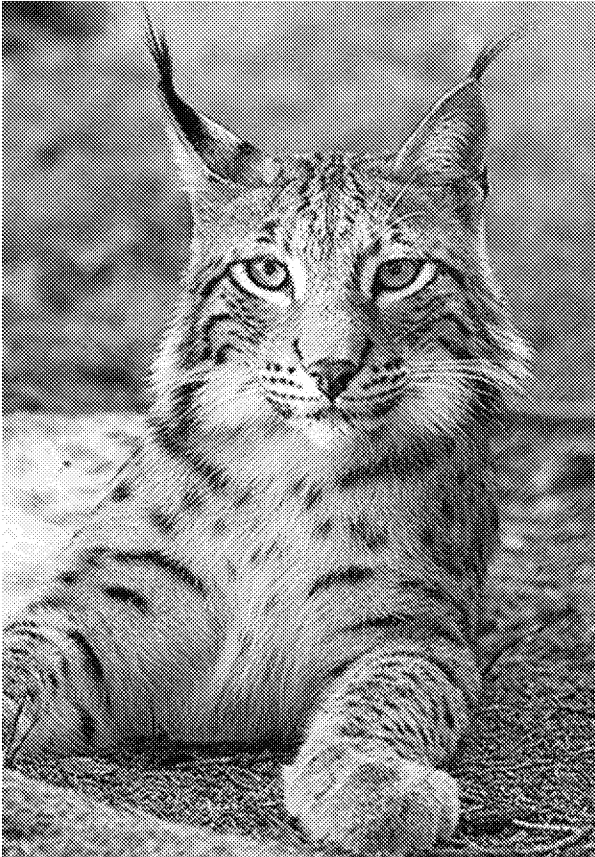
Court rejects trappers' appeal of lynx settlement

Amanda Reilly, E&E News reporter

Published: Tuesday, August 8, 2017

A federal court has tossed out Montana trappers' appeal of a settlement agreement protecting threatened Canada lynx from being inadvertently trapped by hunters.

The 9th U.S. Circuit Court of Appeals last week found that the Montana Trappers Association didn't have legal standing to challenge the settlement.



A federal appeals court tossed a challenge to a settlement agreement over lynx trapping. [Bernard Landgraf/Wikipedia](#)

At issue is a September 2015 agreement that established a "lynx protection zone" in Montana and the Greater Yellowstone Area in which the size and types of traps are restricted.

The settlement between Montana Fish, Wildlife & Parks and green groups also barred hunters from using fresh meat as bait within the zone and required bobcat trappers to check traps every 48 hours (*E&E News PM*, Sept. 23, 2015).

In its appeal, the Montana Trappers Association had argued that the settlement would preclude it from influencing the regulatory process.

But the 9th Circuit on Aug. 3 found that the group failed to demonstrate concrete injuries tied to the settlement that could be redressed by the courts.

Matthew Bishop, an attorney at the Western Environmental Law Center, praised the court's dismissal of the association's appeal.

"This decision means Montana will continue to implement the terms of our settlement to safeguard lynx from trapping in the 'lynx protection zones' as long as lynx are listed under the Endangered Species Act," he said. "This decision vindicates the settlement and will benefit lynx and wolverine recovery, critical to Montana's wildlands."

[Click here](#) to read the court's decision.

PARIS AGREEMENT

Questionable greenhouse gas data threaten success

Published: Tuesday, August 8, 2017

Data flaws could present an even bigger threat to the Paris climate agreement than President Trump's intended withdrawal, researchers say.

Emissions levels from China and India are so uncertain that records could be plus or minus 100 percent, according to experts.

Swiss air monitors have detected large amounts of one gas coming from an area in Italy. But Italian submissions to the United Nations record say that just a tiny quantity of the gas is being emitted.

Scientists in Switzerland said the gas is still traveling into the atmosphere.

"They actually say it is happening, but they don't think it is happening as much as we see," said Stefan Reimann, from the Swiss Federal Laboratories for Materials Science and Technology.

"Just to put it into perspective, this greenhouse gas is thousands of times stronger than [carbon dioxide]. So, that would be like an Italian town of 80,000 inhabitants not emitting any CO₂," he said (Matt McGrath, *BBC News*, Aug. 8). — **CS**

AIR POLLUTION

EPA cites Chicago company for heavy metal contamination

Published: Tuesday, August 8, 2017

U.S. EPA is cracking down on a Chicago firm after detecting high levels of manganese, a heavy metal that can cause brain damage, near a storage terminal in a low-income neighborhood.

Air quality monitors around an S.H. Bell Co. facility on Chicago's South Side recorded federal health violations on nearly 40 percent of sampling days between March and June, according to EPA data released yesterday.

Average air concentrations of manganese were up to four times the legal limit during the testing period, leading EPA to cite the company with Clean Air Act violations.

S.H. Bell said it would bring manganese concentrations below the legal limit soon.

But in the wake of the findings, local activists have called for increased scrutiny of polluters on the South Side, where industrial contamination has long been a problem for low-income and minority communities.

"As long as the city looks at these issues in piecemeal fashion, dirty and dangerous projects will continue to be pushed on this community," said a joint statement from several neighborhood activist groups (Michael Hawthorne, *Chicago Tribune*, Aug. 8). — NS

CALIFORNIA

Law stops polluters posing imminent danger

Published: Tuesday, August 8, 2017

California Gov. Jerry Brown (D) signed legislation yesterday to protect against public health threats.

The law would allow air regulators to halt polluting operations that pose an "immediate and substantial danger."

In the past, air regulators had to go through administrative hearings that could drag on for months while pollution continued unchecked.

The law, which will take effect Jan. 1, was authored by Democratic Assemblywoman Cristina Garcia.

The last piece of high-profile environmental legislation that Brown signed was a bill extending California's cap-and-trade program through 2030 (*Climatewire*, July 26; Tony Barboza, *Los Angeles Times*, Aug. 7). — MJ

CLIMATEWIRE

AN E&E NEWS PUBLICATION

CLIMATEWIRE — Wed., August 9, 2017



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The Bush team censored climate reports. Some fear Trump more

Word got out in September 2002 that the George W. Bush administration had axed a chapter on climate change from an annual U.S. EPA report about air pollution, and environmentalists were furious. Now, after a draft federal climate change report surfaced this week, greens who went to war against the Bush administration's environmental policies are watching closely for similar — or even more overt — interference.

TOP STORIES

2. SCIENCE:

Those looking for uncertainty could see draft as a windfall

TRUMP ADMINISTRATION

3. EPA:

Despite rumors, Chicago office isn't closing soon

LAW

4. POLITICS:

Industry may push for climate legislation after HFC ruling

OIL AND GAS

5. FINANCE:

Investors to Trump EPA: Don't freeze Obama methane rule

ADAPTATION

6. TRADE:

U.S. to discuss energy with African officials

7. AGRICULTURE:

Food hubs like Kansas City could become 'chokepoints'

RENEWABLE ENERGY

8. WIND:

Prairie bird nests fine among turbines — study

9. SOLAR:

Companies seek shelter from weather's price swings

INTERNATIONAL

10. PERU:

Nation struggles to adapt as glaciers turn to puddles


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The United States is rapidly becoming a net exporter of natural gas for the first time in 60 years, according to data from the Census Bureau and the U.S. Energy Information Administration. While imports of gas are flat or falling, exports continue to rise, giving weight to government analysts' conviction that the nation might become a net energy exporter within a decade.

TOP STORIES

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